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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 THERESA DUNPHY,

6 Plaintiff,

7 vs.

8 ALASKA AIRLINES, INC.,

9 Defendant.
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) Case No. 2:17-cv-00050-RFB-GWF

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) **ORDER**
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11 Presently before the court is Defendant Alaska Airlines, Inc.'s Motion for Attorney's Fees
12 (ECF No. 41), filed on April 3, 2017. Plaintiff Theresa Dunphy filed a response (ECF No. 43) on
13 April 17, 2017, in which she incorporates her response (ECF No. 30) to the court's order to show
14 cause. Defendant did not file a reply.

15 Plaintiff failed to attend the court-ordered early neutral evaluation conference ("ENE") in this
16 case, resulting in the issuance of an order requiring Plaintiff to show cause why she should not be
17 sanctioned for failure to comply with the court's order to appear for the ENE. (Order (ECF No. 27).)
18 Plaintiff filed a response stating that she missed the ENE because she was "suffering from a serious
19 flare-up of her mental health disability." (Resp. to OSC (ECF No. 30) at 2.) The response is
20 supported by the declarations of Plaintiff's attorney and her roommate, both of whom personally
21 observed that Plaintiff was not mentally or emotionally well. (*Id.* at Exs. 1-2.) In light of her illness,
22 Plaintiff requests that the court decline to impose sanctions for missing the ENE.

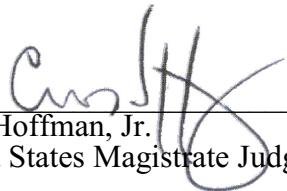
23 In its response to the order to show cause, Defendant moves for sanctions in the amount of
24 \$2,000.00, arguing that "Plaintiff's failure to appear at the ENE caused Alaska to waste valuable
25 time, money, and resources that could have been used elsewhere." (Resp. to OSC (ECF Nos. 39, 41)
26 at 2.) Defendant represents that this amount represents only a portion of the expenses incurred in
27 preparing for and traveling to the ENE. (*Id.*)

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1 Having read and considered the parties' arguments, the court has determined that it will not
2 impose sanctions for an absence caused by illness beyond the Plaintiff's control. The court therefore
3 will deny Defendant's request for sanctions.

4 IT IS THEREFORE ORDERED that Defendant Alaska Airlines, Inc.'s Motion for
5 Attorney's Fees (ECF No. 41) is DENIED.

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7 DATED: April 25, 2017

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11 C.W. Hoffman, Jr.
12 United States Magistrate Judge
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